TikTok Reply to Age Appropriate Guidelines Consultation

TikTok would like to take this opportunity to thank the ICO for providing us with an opportunity to respond to your consultation on an age-appropriate design code (the Code) for information society service providers. TikTok fully supports the Information Commissioner's focus on safeguards to protect children's personal data as well as its ambition to create a safe environment for younger users of information society services. We look forward to continuing to
work with the ICO and the industry to find the most effective way of creating a safe environment for children online.

Bearing in mind the fact that our response is being submitted after your May 31 deadline, we have kept our comments focused on specific areas of concern as outlined below.

About TikTok
Launched in 2016 and available in over 150 markets, TikTok is a global platform for creating and sharing short videos on the go. TikTok is the world's leading destination for short-form mobile videos, with a mission to capture and present the world's creativity, knowledge and moments that matter in everyday life.

TikTok takes its role in creating a positive and safe environment for all of our users very seriously. Indeed, the driving principle behind our community guidelines is preventing harmful content and behaviour from appearing on TikTok. We have invested heavily in building cutting-edge technology and a robust human moderation team focused on upholding our community guidelines. Our content moderation team has increased by 400% over the past year and continues to grow.

In addition, TikTok is equipped with a robust array of industry-leading safety features designed to protect our users from misuse. The enhanced safety features on the platform include:

• An age gate which requires EU users to be age 13 and over to create a TikTok account.
• A Digital Wellbeing suite of tools including screen time management and a restricted mode. This feature allows parents to use a password to both limit a user's screen time and restrict which videos they can watch.
• Support for parents through our Safety Centre which provides an overview of our privacy settings and tips for parenting in the digital age.
• TikTok is rated as 12+ rating in App Stores enabling parents to block it from being downloaded.
• In-app reporting tools which allow users to report a video, comment or chat if they find the video's content inappropriate or offensive.
• Tools for users to decide who can view their content, who can comment on their videos and who can or cannot interact with their videos.

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- Enabling users to create self-defined comment filter to ensure no one can post comments on a user's video which they might find personally offensive.
- A range of fun and engaging TikTok safety educational videos to help users understand our policies and tools.

We are deeply committed to ensuring our community guidelines and safety features are explained in a transparent fashion so they can be easily understood by all users. Protecting our users online is TikTok's top priority and we take the issue of underage usage extremely seriously. That is why we continue to invest heavily in developing new safety features and anticipate announcing additional features this year.

Unintended Consequences of the Code
TikTok shares the ICO's view that children should be protected online in the same way they are offline and we believe the features we have outlined above are effective controls for safeguarding the online world. We would also like to underscore our view that information society services must be designed in a way which users not only expect but enjoy. Users want to be in control of how they interact with and consume content. By providing a range of safety features, we are not only providing core protections to our users but also providing users with the opportunity to determine which protections they wish to use for their individual journey on the TikTok app.

Whilst we commend the ICO for its *Towards a Digital Future* research, our view is that it could have been enhanced by engaging more with the views of children regarding the mechanics and implementation of a privacy by default setting. We note and agree with the statement in the research that "this is a challenging issue to resolve and there is no simple solution." Therefore we would encourage the ICO to consider a more proportionate approach that will allow information society service providers to balance the need to respect privacy on the one hand, while upholding obligations under the UNCRC to guarantee the rights of the child to express and explore freely.

Alignment with the GDPR
We believe that the GDPR and those specific provisions of the UK Data Protection Act implementing Article 8 (GDPR) have already provided an appropriate framework through which the interests of children are respected and safeguarded. More specifically, we are concerned that parts of the Code conflict with the recognition in the GDPR of a lower age range for the reasoning capacity of a child in cases where the grounds for processing of their personal data are consent. While the Code deems a child to be an individual up to the age of 18, the GDPR does not define a child as such but recognises the range of 13-16 as an age at which parental consent may no longer be needed.

We are therefore concerned that the Code could create a confusing regulatory environment with overlapping and potentially conflicting ages of digital consent. We would further add that the specific suggested age bands for different thresholds of design requirements within the Code do not recognise the different levels of digital sophistication of children within single age ranges.

Inadequate implementation period

If implemented in its current form, it is clear that the Code will have a great impact on the products and services that companies offer at present or are in the process of developing for the UK. Indeed, the Code will require a retrofitting of products and services to ensure compliance, and its technical implementation will in some respects be more challenging than those required under the GDPR due to, for example, the need to make a multitude of changes to address the different age brackets as required by the Code.

We would encourage the ICO to acknowledge the significance of the changes proposed within the Code and reconsider its proposed implementation timescale, particularly on the heels of the two-year process undertaken to ensure GDPR compliance. In the absence of an opportunity to review any technical guidance associated with the Code, we would suggest that the ICO work with technical experts to draft detailed guidance that can be trialled for implementation by information society service providers. If the Code is enacted as proposed, we would also encourage the ICO to provide a longer implementation timeline to allow sufficient time for companies to introduce the significant and wide-ranging measures needed to comply.

Conclusion

We share the ICO's view that it is imperative that users of all ages have a safe online journey so they can fully enjoy the benefits connectivity provides. We also agree that organisations should continually innovate to create an environment where users can flourish and their digital well-being is respected. At TikTok we are responsive to user needs and continue to roll out new tools to protect and empower our community. Indeed, we place the utmost importance on the safety of our users as is demonstrated by our community guidelines and tools, and our robust content moderation team. We respectfully submit the above comments and look forward to engaging further on this subject with industry, the NGO community and the ICO.